

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Glenn D. Jacobs,

Plaintiff,

v.

South Carolina Department of Mental Health,

Defendant.

C/A No. 3:20-543-JMC-PJG

ORDER

Plaintiff, who is represented by counsel, filed this civil action against the South Carolina Department of Mental Health (“SCDMH”).¹ He asserts claims pursuant to the Age Discrimination in Employment Act (“ADEA”), 29 U.S.C. §§ 621, et seq. On February 4, 2020, the defendant filed a motion to dismiss. (ECF No. 4.) As of the date of this order, Plaintiff has failed to respond to the defendant’s motion to dismiss in accordance with Local Civil Rule 7.06 (D.S.C.). As such, it appears to the court that he does not oppose this motion and wishes to abandon this action.

Based on the foregoing, it is

ORDERED that Plaintiff shall advise the court as to whether he wishes to continue with this case within seven (7) days from the date of this order. Plaintiff is further advised that if he fails to respond, this action may be decided on the record presented in support of the defendant’s motion, see Local Civil Rule 7.06 (D.S.C.), or may be recommended for dismissal with prejudice for failure to prosecute. See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b). It is further

¹ The defendant removed this action from the Richland County Court of Common Pleas.

ORDERED that if Plaintiff intends to seek leave for an extension in which to file a response in opposition to the pending motion to dismiss, he must establish the requisite standards for such an untimely filing in accordance with the applicable Federal Rules of Civil Procedure and the Local Civil Rules of this court.

IT IS SO ORDERED.

March 2, 2020
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE